

JUL 18 2000
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FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

2000 JUL 18 P 1:31

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD REFERRAL: 00NF-02

DATE ACTIVATED: 7/10/00

EXPIRATION OF STATUTE OF

LIMITATIONS: 7/31/04

STAFF MEMBERS: David H. Morgenstern
Mary Beth deBeau

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Arab American Leadership Political Action Committee
James Joseph Zogby, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(iv)
11 C.F.R. § 104.5(c)(2)(i)(A)

INTERNAL REPORTS CHECKED: Disclosure Reports
Referral Material

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Arab American Leadership Political Action Committee ("the Committee") and James Joseph Zogby, as treasurer (collectively, "the Respondents"), to the Office of the General Counsel on June 9, 2000. The basis of the RAD referral is the failure of the Committee to timely file its 1999 Mid-Year Report of Receipts and Disbursements covering the period from January 1, 1999 to June 30, 1999.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends that the Commission find reason to believe the Respondents violated 2 U.S.C. § 434(a)(4)(A)(iv).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office also recommends that the Commission offer to enter into conciliation with the Respondents prior to a finding of probable cause to believe. As discussed below, we recommend treating this violation along with violations which are being actively pursued in MUR 5028. Attached for the Commission's approval is a proposed conciliation agreement (Attachment 2).

CONFIDENTIAL

In MUR 5028, the Commission found that the same Respondents violated 2 U.S.C. § 434(a)(4)(A)(i) for failing to timely file the 1998 July Quarterly and 1998 Year End Reports. The Commission approved a conciliation agreement which provided for the payment of a civil penalty. Rather than prosecute this new violation as a separate matter, this Office recommends resolving both matters in a single conciliation agreement.

IV. RECOMMENDATIONS

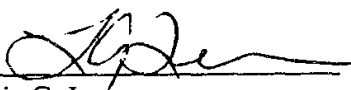
1. Open a MUR.
2. Find reason to believe the Arab American Leadership Political Action Committee and James Joseph Zogby, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv), and allow this office to offer a conciliation agreement addressing both this matter (prior to a finding of probable cause to believe) and MUR 5028.
3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

7/17/00

Date

BY:



Lois G. Lerner
Associate General Counsel

Attachments:

1. Factual and Legal Analysis
2. Proposed agreement



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: July 18, 2000

SUBJECT: 00NF-02-First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

SENSITIVE

☒

NON-SENSITIVE

☐

72 Hour TALLY VOTE ☒

24 Hour TALLY VOTE ☐

24 Hour NO OBJECTION ☐

INFORMATION ☐

DISTRIBUTION

COMPLIANCE

☒

Open/Closed Letters ☐

MUR ☐

DSP ☐

STATUS SHEETS ☐

Enforcement ☐

Litigation ☐

PFESP ☐

RATING SHEETS ☐

AUDIT MATTERS ☐

LITIGATION ☐

ADVISORY OPINIONS ☐

REGULATIONS ☐

OTHER ☐



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: Lawrence M. Noble
General Counsel

FROM: Mary W. Dove/Lisa R. Davis
Acting Commission Secretary

DATE: July 21, 2000

SUBJECT: RAD Referral #00NF-02 - First General Counsel's Report
dated July 17, 2000

The above-captioned document was circulated to the Commission
on Tuesday, July 18, 2000

Objection(s) have been received from the Commissioner(s) as
indicated by the name(s) checked below:

Commissioner Mason	—
Commissioner McDonald	—
Commissioner Sandstrom	—
Commissioner Smith	<u>XXX FOR THE RECORD</u>
Commissioner Thomas	—
Commissioner Wold	—